

REMARKS

Reconsideration and withdrawal of the rejections set forth in the above-mentioned Official Action in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 1-3, 6 and 19-22 are now pending in the application, with Claims 1 and 19 being independent. Claims 4, 5, 7-11 and 18 have been withdrawn from consideration and are cancelled herein.

Claims 1-3, 6 and 19-22 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent No. 6,550,909 (Ichinose et al.) alone or in view of either U.S. Patent No. 6,180,238 (Malhotra) or U.S. Patent No. 4,554,181 (Cousin et al.). Claims 1-3, 6 and 19-22 were rejected as being directed to an invention that is not patentably distinct from Claims 1-10 of Ichinose et al. These rejections are respectfully traversed.

Initially, Applicant submits that Ichinose et al. only qualifies as prior art under subsection (e) of 35 U.S.C. § 102. Furthermore, it is hereby stated that the instant application and Ichinose et al. were owned by or subject to an obligation of assignment to Canon, Inc. at the time of invention of this application. Accordingly, Ichinose et al. is excluded as prior art under 35 U.S.C. § 103(c). Therefore, Applicant respectfully requests reconsideration and withdrawal of the above-noted rejections.

Claims 1-3, 6 and 19-22 were rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1-10 of Ichinose et al. alone or in view of


Malhotra or Cousin et al. Applicant respectfully requests that this rejection be held in abeyance until the claims of the present application are otherwise considered to be allowable.

Applicant submits that the present invention is patentably defined by independent Claims 1 and 19. Dependent Claims 2, 3, 6 and 20-22 are also allowable, in their own right, for defining features of the present invention in addition to those recited in the independent claims. Individual consideration of the dependent claims is requested.

Applicant requests favorable reconsideration and withdrawal of the rejections set forth in the above-noted Office Action, and an early Notice of Allowance.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,


Mark A. Williamson
Attorney for Applicant
Registration No. 33,628

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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